

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

FILED IN OPEN COURT *CR*ON 8/29/2012Julie A. Richards, Clerk
US District Court
Eastern District of NC

United States of America

v.

Aaron Nicholas, Jr.

Case No: 5:01-CR-229-1BOUSM No: 21062-056Date of Original Judgment: 12/13/2002Date of Previous Amended Judgment: 12/17/2009

(Use Date of Last Amended Judgment if Any)

Thomas P. McNamara

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 108 months is reduced to 87

The amendment is applicable to the defendant, but does not have the effect of lowering the guideline imprisonment range. On December 17, 2009, the court sentenced the defendant to 120 months pursuant to the motion under 18 U.S.C. § 3582(c). The court then reduced the sentence to 108 months under Rule 35. Therefore, no further reduction is warranted.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated _____ shall remain in effect. **IT IS SO ORDERED.**

Order Date: 8-29-12


Judge's signature

Effective Date: _____

(if different from order date)

Terrence W. Boyle, U.S. District Judge

Printed name and title